

REMARKS

Reconsideration of the application, as amended, is respectfully requested, in view of the following remarks.

Claims 1 through 5 have been canceled without prejudice. Claim 6 has been amended to overcome the formal rejections of the Office by placing the claim in better form for prosecution in the United States. With respect to the rejection concerning use of the term "nozzle," it is respectfully submitted that the term is defined on page 4, lines 26-28 of the specification.

Hershey US Patent No. 2,282,313 relates to a syrup injector for semi-solid frozen mass. The Office points to no disclosure in any of the embodiments of delivering a plurality of ice cream flow to a nozzle wherein at least one of the ice cream flows is divided into a plurality of additional flows. Moreover, at page 2, left column, line 11 and line 47, it is stated that after the syrup has been injected, the resulting product is frozen **prior to delivery and consumption**. The Office points to no teaching in Hershey of a process which is operated at point of sale. Since Hershey misses two recited features of the invention, namely dividing an ice cream flow in a plurality of additional flows and a process which is operated at the point of sale, it is submitted that Hershey cannot anticipate claim 6 of the present invention.

Gundlach et al. US Patent No. 2,284,651 again refers to an industrial operation relying on the extrusion of a continuous (page 3 lines 14, 30, 53)) variegated ice cream ribbon.

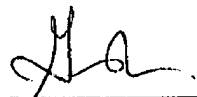
The production of a continuous ribbon of ice cream is incompatible with the discontinuous operations of a point of sale. The Office points to no suggestion in the reference that the invention could be used at a point of sale; indeed, the mere size of

the whole equipment (see FIG 1) suggests that it would not be used at a point of sale. Similarly, after the extrusion through member 101, further steps are described on page 3 line 40-50 and on page 3 line 51-57. These steps likewise do not appear to suggest point of sale processes. The Office also points to no teaching by Gundlach et al. of any embodiment wherein a flow of ice cream is divided into a plurality of additional flows.

Since Gundlach misses recited features of the claims, namely dividing an ice cream flow in a plurality of additional flows and operation at the point of sale, it is submitted that Gundlach et al. cannot anticipate claim 6 of the present invention.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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